

MEMORANDUM ENDORSED

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: April 12, 2023

Admitted to Practice:
New York
New Jersey


Application granted. Defendants may rectify and file the corrected documents no later than April 14, 2023. Plaintiff's reply, if any, is due within two weeks of Defendants' filing of the corrected papers. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 183.

April 11, 2023

Hon. Gregory H. Woods
United States District Judge
500 Pearl Street
New York, NY 10007

SO ORDERED.

Dated: April 12, 2023
New York, New York


GREGORY H. WOODS
United States District Judge

Re: Viahart, LLC v. Creative Kids Online, LLC et al.,
Case No. 20-cv-09943

Dear Judge Woods:

I represent defendants Creative Kids Online LLC, Creative Kids Far East, Inc., Creative Kids Enterprises, LLC and CK Online, LLC (collectively "CK Defendants").

On April 4, 2023, I filed papers in opposition to plaintiff's motion for summary judgment. This was the eve of the Passover holiday. I therefore was "under the gun" in terms of time constraints. When I tried to file the exhibits to my Declaration, the system did not accept the filing because it exceeded 10mg. I did not have time to rectify that because it was Passover eve (my secretary was out sick). In addition, I was informed by David Lapa, who is Creative Kids' in-house counsel, that he reviewed the filing last Sunday and saw that the Rule 56.1 filing was incomplete. I do not know how that happened. Perhaps it was a computer glitch. I also noticed that I inadvertently failed to include a Table of Contents and Table of Cases with my Memorandum of Law.

I therefore request leave of the Court to rectify my filings to include the Exhibits to my Declaration, a corrected 56.1 Statement and a Table of Contents and Table of Cases. Plaintiff's counsel consents to the same, but requests that plaintiff's time to file reply papers be extended to a period of two weeks after the corrected filings are made. I consent to this extension as a matter of fairness.

I should also note that April 5 and 6 was Passover and I was unable to communicate with plaintiff's counsel before yesterday. I do not know when the Court will issue an Order relating to my request. I want to inform the Court that the last days of Passover are April 12 and 13. I am an observant Jew and am not permitted to use electronic devices on the holiday. Therefore, I would request that if the Court allows the corrected filings that the date for such filing be April 14, 2023.

Respectfully yours,

s/ *Solomon Rosengarten*

Solomon Rosengarten

